



IOWA GENERAL ASSEMBLY

Administrative Rules Review Committee

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THE RULES DIGEST

April, 2004

Scheduled for committee review
MONDAY, April 12th 2004
Statehouse Room #116

Reference
XXVI IAB No. 19(03/17/04)
XXVI IAB No. 20(03/31/04)

HIGHLIGHTS IN THIS ISSUE:

<i>PARKING ON CAPITOL COMPLEX, Administrative Services Department</i>	<i>1</i>
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ADMINISTRATIVE SERVICES DEPARTMENT

10:00

Parking rules, IAB Vol. XXVI, No. 20, ARC 3247B,
NOTICE.

The department proposes a general revision of its' parking rules for the capitol complex. Fines are raised from five to ten dollars and late payment fees are newly added, at twenty dollars. Habitual violators, defined as persons with six or more violations in twelve months, and persons with unpaid fines, may be towed with no additional notice. The rule defines the complex area as essentially the capitol, the surrounding state office buildings and the appurtenant property; it does not include state property in separated locations (e.g.: the Ankeny campus).

Parking areas regulated by these provisions are limited to those under the control of the executive branch of government. Lots and spaces are assigned to: the disabled, general visitors, and employees. Lots under the control of the legislature are regulated by the House and Senate. Every executive branch employee must have a decal permanently affixed to the vehicle, plus an access

card to gain entry into the assigned lot; if the card is lost a replacement fee is required.

AGRICULTURE DEPARTMENT

No Rep

Scrapie control, IAB Vol. XXVI, No. 19, ARC 3227B,
NOTICE.

Scrapie is a fatal, degenerative disease affecting the central nervous system of sheep and goats. It is among a number of diseases classified as transmissible spongiform encephalopathies (TSE) and is related to mad cow disease. First recognized as a disease of sheep in Great Britain and other countries of Western Europe more than 250 years ago, this disease has been reported throughout the world. Only Australia and New Zealand are free of scrapie.

These rules are intended to implement a scrapie control and eradication program developed by the United States Department of Agriculture (USDA). Under this program all sexually intact sheep and goats and all sheep over 18 months old must be tagged. Records on tagged animals must be maintained for five years.

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Certificates of veterinary inspection (CVIs) must be obtained whenever animals change ownership, other than when sold for slaughter. A sexually intact animal cannot be moved from an infected or source flock, except under permit. Permitted animals may be moved to slaughter, to a research or diagnostic facility, or to another facility as specified in the flock plan. Infected flocks will be quarantined by the department and written flock cleanup plan must be implemented. The plan may consist of flock depopulation; removal of genetically susceptible female animals, suspect animals, positive animals, and the female offspring of positive female animals; or the removal of high-risk animals. An indemnity may be available through the USDA. Indemnity may be paid for animals removed, if funds are available through USDA.

CULTURAL AFFAIRS

11:35

Certified cultural and entertainment district, IAB Vol. XXVI, No. 19, ARC 3228B, ADOPTED

§303.3b, Code supplement 2003 creates a cultural and entertainment district certification program, with the goal of encouraging the growth of community areas for cultural and entertainment purposes. The district may not be larger than one square mile in size. Under existing law cultural grants are available at a 50% match. Tax benefits, including tax credits under Iowa Code section 404A.4, may also be awarded from the department of economic development for substantial rehabilitation work on historic buildings.

A city or county may designate a district, which must be certified by the department of cultural affairs, in consultation with the department of economic development. Under the proposed rules each applicant must affiliate with a local community nonprofit organization in order to form a district.

Applications to create districts will be reviewed on a competitive basis; the rules do not set out detailed, weighted criteria, but general factors are listed. These factors for evaluation include:

- Management structure.

- Presence of cultural assets.
- Level of community support.
- Local incentives.
- Plan for developing and sustaining the district.

Applications will be reviewed by department staff and an advisory committee; the final decision is made by the director of the department.

ENVIRONMENTAL PROTECTION DIVISION

9:45

Non-public water supplies, IAB Vol. XXVI, No. 19, ARC 3223B, NOTICE.

As part of Iowa's water well contractor certification program any person who commercially works on a well in Iowa must be certified by the state, based on related work experience, and by passing a competency test on Iowa well rules. Once certified A well driller must maintain competency by obtaining continuing education.

These new rules would revise the minimum standards for installation of water well pumps or equipment employed in withdrawing or obtaining water from a well including such seals and safeguards as may be necessary to protect from contamination the water in the aquifer and water being pumped from the well. The rules update existing provisions relating to pumps, well caps and seals, piping, backflow prevention and a variety of other technical issues.

This proposal also revises the certification and testing requirements for well drillers and pump installers. To be certified a well driller must have two years employment and 2000 hours of relevant well drilling services work experience. A pump installer must have two years employment and 1000 hours of relevant pump services work experience. The relevance of any work experience will be determined by a peer review committee.

INSPECTIONS AND APPEALS DEPARTMENT

10:15

Care facilities & veterans benefits, IAB Vol. XXVI, No. 20, ARC 3252B, ADOPTED.

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§135C.31A, Code supplement 2003, requires a health care facility receiving Medicaid reimbursement to assist the Iowa commission of veterans affairs in identifying a resident's eligibility for benefits through the federal department of veterans affairs. Under these rules the facilities must provide the information not only to the commission on veteran's affairs, but the department of human services as well. If the resident is unable to provide the required information, the facility must seek the information from the resident's family members or responsible party. For new admissions, the facility must provide the report to the Iowa commission on veterans affairs within 30 days of admission. For current residents the report must be filed within 90 days of the effective date of these rules. If alternative benefits are available the facility is required to first seek reimbursement from those sources before seeking payment from Medicaid.

INSPECTIONS AND APPEALS

9:30

Registered amusement devices, Vol. XXVI, No. 13, ARC 3080B, seventy day delay.

2003 Acts, Chapter 147 (House File 594) provides for the annual \$25 registration of every "electrical and mechanical amusement device" which dispenses a prize. These devices are similar to video slot machines; upon winning, the player receives a paper slip awarding a prize. The Act provides that prizes are redeemable only at that premises and only for merchandise regularly sold at the premises. Qualified non-profit organizations can have up to four machines (eg: vet clubs) while other establishments (eg: bars or convenience stores) can have two. In short, these are video slot machines, located in service clubs and bars, awarding food and drink prizes instead of cash.

In addition, the Act requires that registered machines must be purchased from a manufacturer, manufacturer's rep. or distributor which also has been registered with the department. These annual registrations are \$2,500. Under the rules the term "distributor", and hence the \$2,500 annual fee,

does not apply to a person who owns a device but does not intend to sell or lease it to another.

At the February meeting the committee imposed a seventy day delay on this filing. The action was taken in response to contentions that the rules create inequitable risk because the \$2,500 fee does not apply to all operators. Opponents of this rule contended the term distributor should be applied to every person who operates the machines.

RECORDS COMMISSION

11:25

Organization & operations, IAB Vol. XXVI, No. 19, ARC 3229B, NOTICE.

The rules of the commission have been revised only twice in the last 27 years; with the 2203 enactment of Chapter 305, Code supplement 2003, it has become necessary to completely re-write the record retention policies of the state. The current provisions set out a brief set of rules for organization and operation; followed by a brief overview of the records management manual---the document that details the states record retention policies. Under this proposal an entire chapter is dedicated to the updating of the manual itself (Ch. 14).

The proposed rules set out far more detail relating to records retention and handling. Under these rules agencies are responsible for the evaluation of records to determine their administrative, legal, fiscal and historical values in order to establish appropriate periods of time for holding records in office and storage areas prior to final disposition, either by destruction or permanent preservation. As part of that evaluation process each agency must maintain an inventory of records, on a form specified by the commission, that are made, produced, executed, or received by the agency pursuant to statute "in connection with the transaction of official business". The form will be used to determine the ultimate disposition of each record.

As part of the program the commission operates the state records center, which is a secure, low-cost storage facility for the temporary storage of records. Central offices of state agencies must, and

field offices may, use the state records center for storage of temporary. Access to these records is detailed in chapter 5 of the proposal. Access is limited to agency personnel; the records commission is not the actual custodian of these records, thus public access is controlled by the agency.

TRANSPORTATION DEPARTMENT

10:40

Driver's education, IAB Vol. XXVI, No. 20, ARC 3236B,
ADOPTED.

In 2002 the legislature transferred the authority to regulate driver's education from the department of education to the department of transportation. Any school district, AEA, merged area school, other agency or individual may offer a driver education course after receiving approval from the department. Courses must provide a minimum of 1800 minutes in classroom instruction, plus 360 minutes in supervised laboratory instruction. Behind-the-wheel instruction is limited to a maximum of 30 minutes per student per session and a maximum of 60 minutes in a single day.

The driver's education teacher must hold a teaching certificate as well as a valid Iowa driver's license that permits unaccompanied driving and have a clear driving record for the previous two years. Persons wishing to provide behind-the-wheel instruction must be at least 25, hold a valid Iowa driver's license that permits unaccompanied driving, have a clear driving record for the previous two years and meet the preparation requirements set out in the rule. The preparation includes 24 hours of classroom preparation and 12 hours of behind-the-wheel preparation.

Driver's education schools are licensed by the department. Prior to licensing a driver education school, the department shall approve the school's course, classroom instructors and laboratory instructors. Street or highway driving instruction must be provided by a person qualified as a classroom driver education instructor or a person certified by the department and authorized by the board of educational examiners.